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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,184	03/19/2001	Quinn R. Passey	PM 99.039	8236

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GARY D. LAWSON
EXXONMOBIL UPSTREAM RESEARCH COMPANY
P.O. BOX 2189
HOUSTON, TX 77252-2189

EXAMINER

KRECK, JOHN J

ART.UNIT	PAPER NUMBER
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3673

DATE MAILED: 09/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/812,184

Applicant(s)

PASSEY ET AL.

Examiner

John Kreck

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL.
- 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 - Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 - Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
 - Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, , 6-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Terry (U.S. Patent number 3,924,680).

Terry teaches the process including the steps of generating heat in reservoir quality strata (18) such that heat is transferred to the formation containing organic containing formation to accelerate conversion as called for in claim 1. Note that applicant's definitions of "reservoir formation" and "kerogen" are broad enough to encompass coal.

Terry teaches combustion as called for in claim 2.

Terry teaches combustion as called for in claim 3.

Terry teaches injection of oxygen-bearing gas as called for in claim 4 (see U.S. Patent number 3,952,802; which is incorporated by reference in the cited Terry patent).

Terry teaches the temperature as called for in claim 6.

Terry teaches superheated steam as called for in claim 7 (see U.S. Patent number 3,952,802; which is incorporated by reference in the cited Terry patent).

Terry teaches the exothermic reaction (oxidation or combustion) as called for in claim 8.

Regarding independent claim 9:

Terry teaches the process including the steps of injecting oxygen bearing gas and creating combustion as called for in claim 9.

Terry teaches the formation in contact as called for in claim 10.

Terry teaches the interbedded deposits as called for in claim 11.

Terry teaches the temperature as called for in claim 12.

Regarding independent claim 13:

Terry teaches the process including the steps of injecting oxygen bearing gas and creating combustion as called for in claim 13.

3. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Messman (U.S. Patent number 3,599,714).

Messman teaches the process including the steps of generating heat in reservoir quality strata (10) such that heat is transferred to the formation containing organic containing formation to accelerate conversion as called for in claim 1.

Messman teaches combustion as called for in claim 3.

Messman teaches injection of oxygen-bearing gas as called for in claim 4.

Messman teaches injection of hydrocarbons ("propane torch" col. 12, line 2) as called for in claim 5.

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4. Claims 1 and 3-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Merriam, et al. (U.S. Patent number 2,584,605).

Merriam teaches the process including the steps of generating heat in reservoir quality strata (10) such that heat is transferred to the formation containing organic containing formation to accelerate conversion as called for in claim 1.

Merriam teaches combustion as called for in claim 3.

Merriam teaches injection of oxygen-bearing gas as called for in claim 4.

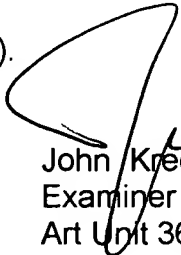
Merriam teaches injection of hydrocarbons (column 9, line 54) as called for in claim 5.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is (703)308-2725. The examiner can normally be reached on M-F 5:30 am - 2:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford can be reached on (703)308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



John Kreck
Examiner
Art Unit 3673

JOHN KRECK
PRIMARY EXAMINER

JJK